

# **IN THE BOARD OF SUPERVISORS**

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

March 26, 2013

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. \_\_\_\_\_

## **RESOLUTION TO PERMIT THE DESTRUCTION OR DISPOSAL OF CERTAIN SHERIFF'S OFFICE RECORDS, DOCUMENTS AND PAPERS, PURSUANT TO SECTIONS 26202, 26202.3, 26202.6, 26205 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA**

The following resolution is now offered and read:

WHEREAS, Government Code section 26202, permits the Board of Supervisors to authorize the destruction or disposition of any record, paper, or document which is more than two years old, and which was prepared or received in any manner other than pursuant to a State statute or County charter; and

WHEREAS, Government Code section 26202 further permits the Board to authorize destruction or disposition of any record, paper or document if the Board determines by four-fifths (4/5) vote that the retention of any such record, paper or document is no longer necessary or required for County purposes if the record, paper or document is: (1) more than two years old; (2) was prepared or received pursuant to State statute or County charter; and (3) is not expressly required by law to be filed and preserved; and

WHEREAS, such records, papers or documents need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained; and

WHEREAS, Government Code section 26202.6 permits the Board to authorize destruction or disposition of any recorded radio and telephone communications after 100 days; and

WHEREAS, Government Code section 26205 permits the Board to authorize destruction of any document that is not expressly required by law to be preserved when an electronic reproduction is created in a manner consistent with the requirements of section 26205; and

WHEREAS, Government Code section 26202.3 permits the Board to authorize destruction of recordings of routine video monitoring after one year; and

WHEREAS, the documents, records, and papers which may be destroyed pursuant to this

Resolution, consume valuable space that is needed for current storage and filing needs; and

WHEREAS, all documents, records and papers to be destroyed have been preserved in excess of any period required by law; and

WHEREAS, the Sheriff's Office desires to destroy such records, as needed, when Sheriff's Office staff from time to time determine that a particular record or records have been authorized for destruction pursuant to this resolution; and

WHEREAS, any injury and accident reports, documents pertaining to claims against the Sheriff's Office, concealed weapons applications and permits, and documents relating to citizen complaints have been preserved for five years; and

WHEREAS, no document, record or paper to be disposed of will be destroyed if it is the subject of pending or reasonably anticipated litigation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 26th day of March, 2013, that:

The following County records, documents, instruments, books or papers are no longer required and may be destroyed:

- a. Personnel files of separated employees who left the Sheriff's Office prior to January 1, 2011.
- b. Background investigations of nonselected candidates, which investigations were completed prior to January 1, 2011.
- c. Training files of:
  - (1) Separated employees who left the Sheriff's Office prior to January 1, 2011.
  - (2) Training requests of current and former employees made prior to January 1, 2011.
- d. Reserve Deputy Sheriff files for nonactive Reserve Deputies who have been inactive since January 1, 2011.
- e. Volunteer files for nonselected/nonactive volunteers who have been inactive since January 1, 2011.
- f. Miscellaneous noncriminal reports which were prepared prior to January 1, 2011.
- g. Auction receipts and records which were prepared prior to January 1, 2011.
- h. Records of:
  - (1) Expired/denied/revoked business licenses and explosive permits which were issued prior to January 1, 2011.
  - (2) Veterinary bills received prior to January 1, 2011.
  - (3) Journal entries made prior to January 1, 2011.
  - (4) Extradition records which were adjudicated prior to January 1, 2011.

- (5) Booking Fee billing records prepared prior to January 1, 2011.
- (6) Megan's Law Requests to View Logs prepared prior to January 1, 2011.
- (7) Carrying Concealed Weapon (CCW) expired/revoked/denied applications and permits which were prepared or issued prior to January 1, 2008.
- (8) Arrest Reports, Incident Reports and booking records upon being electronically imaged as provided in Government Code section 26205.
- (9) Warrant copies/documents which have been cleared or recalled upon being returned to court.
- (10) Fingerprint cards of persons deceased prior to January 1, 2011.
- (11) Injury and accident reports which were prepared prior to January 1, 2008.
- (12) Any documents pertaining to the application and evaluation process for admittance into the Home Detention or Alternative Work programs prior to January 1, 2011.
- (13) Crime and supplemental reports of infractions, misdemeanors and felonies which were prepared prior to January 1, 2011, providing:
  - (a) They do not relate to a criminal death case.
  - (b) They do not relate to violations listed in Penal Code sections 799 and 800.
  - (c) The cases are not presently known to be involved in either civil or criminal litigation.
- i. Records of lost and found items which were lawfully disposed of prior to January 1, 2011.
- j. Medical communication cards which were prepared prior to January 1, 2011.
- k. Jail activity, attendance, housing shift logs and inmate worker assignments which were prepared prior to January 1, 2011.
- l. Jail inmate grievance forms which were submitted prior to January 1, 2011.
- m. Jail State Parole billings which were prepared prior to January 1, 2011.
- n. Bail receipts which were prepared prior to January 1, 2011.
- o. Any documents pertaining to the service or enforcement of civil process, to include: litigant's correspondence, service trip tickets, notices and other documents prepared or received during the normal course of business by the Civil Enforcement Division prior to January 1, 2011, provided they do not relate to real property seizures or levies.
- p. Recorded radio and telephone communications over one year old.

- q. All documents related to citizen complaints resulting in an internal affairs investigation which was completed prior to January 1, 2008.
- r. Animal impound record cards made prior to January 1, 2011.
- s. Nuisance abatement cases resolved prior to January 1, 2011.
- t. Routine video monitoring designed to record regular and ongoing operations of the Office, to include mobile in-car CD/video systems, jail observation/monitoring systems, and building security taping systems recorded prior to January 1, 2012.
- u. Any documents pertaining to claims filed against the Sheriff's Office for monetary or property reimbursement to include adjudicated litigation cases settled by County Counsel or Risk Management prior to January 1, 2008.
- v. Items in Property/Evidence, in accordance with Peace Officer Standards and Training (P.O.S.T.) guidelines, and applicable statutory provisions governing the same.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted:

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT

RITA L. NEAL

County Counsel

By:   
Deputy County Counsel

Dated: March 20, 2013